

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN MOORE,

Plaintiff,

v.

Case No.: 2:10-cv-11824
Hon. Stephen J. Murphy, III
Magistrate Judge: Mona K. Majzoub

LIEUTENANT E. JONES, POLICE OFFICER
JANOSKEY, POLICE OFFICER COLON,
POLICE OFFICER S. SALISBURY, CITY OF
DETROIT POLICE DEPARTMENT and CITY
OF DETROIT,

Defendant.

SERLIN, TRIVAX & STEARN, PLLC
By: David B. Trivax (P38798)
Attorney for Plaintiff
31780 Telegraph Road, Ste. 120
Bingham Farms, MI 48025
(248) 633-2666

MARION R. JENKINS (P26257)
Assistant Corporation Counsel
Attorney for Defendant City of Detroit
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3032

PLAINTIFF'S MOTION TO REINSTATE THE CASE

NOW COMES Plaintiff, Darren Moore, by and through his attorneys Serlin, Trivax & Stearn, PLLC, and in support of his Motion to Reinstate the Case, states as follows:

1. This within case alleging intentional violations of the Plaintiff's civil rights by the Defendants resulting in serious and permanent injuries was filed on or about April 13, 2010.

2. That after months of extensive discovery this matter was scheduled for a final Pre-trial Conference before the Honorable Murphy on December 5, 2012. At the time of the December 5, 2012 final Pre-trial Conference, this Court, after reviewing the trial procedure with counsel, invited the parties to discuss a possible settlement. Ultimately, and despite the case evaluation award in favor of the Plaintiff in the amount of \$200,000.00, the parties entered into a

proposed Settlement Agreement in the amount of \$100,000.00 to be paid by the Defendants to the Plaintiff subject to the approval by the Detroit City Council.

3. That on December 31, 2012, an Order for Administrative Closure was entered with this Honorable Court which further provided the within matter could be reinstated upon Motion of a party.

4. That since the proposed Settlement was placed on the record, Plaintiff has not been provided any confirmation by the Defendants that the matter was placed before City Council for final approval.

5. That during the first week of March 2013, Plaintiff's counsel learned that this matter had been placed before City Council in January 2013, however, as a result of an inquiry by a council member to the Detroit Police Department, the matter was removed from the City Council agenda and has never been rescheduled to be approved.

6. That on or about March 12, 2013, a Stipulated Order to Reinstate the Case was sent to defense counsel for signature, but it was never returned to Plaintiff. (See **Exhibit A**, Stipulated Order to Reinstate the Case)

WHEREFORE, Plaintiff, Darren Moore, respectfully requests this Honorable Court grant his Motion requiring the within matter be Reinstated and be immediately placed on the Court's trial docket or, in the alternative, order that the proposed Settlement be placed before the Detroit City Council at the next scheduled City Council meeting.

Respectfully Submitted,

SERLIN, TRIVAX & STEARN, PLLC

By: /s/ David B. Trivax

David B. Trivax (P38798)

Attorney for Plaintiff

31780 Telegraph Road, Ste. 120

Bingham Farms, MI 48025

(248) 633-2666

Dated: March 18, 2013

EXHIBIT A

UNITED STATES DISTRICT COURT
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STIPULATED ORDER TO REINSTATE THE CASE

At a session of said Court held in the
Eastern District of Michigan, Southern Division
the State of Michigan on this
_____ day of _____, 2013

United States District Judge

This matter having been Stipulated by and between respective counsel for the above named parties, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the within matter be reinstated and be immediately placed on the Court's trial docket for the reason that the Plaintiff has not been provided any

confirmation by the Defendants that the Settlement entered on December 5, 2012 has been placed before the City Council for final approval.

United States District Judge

Approved as to substance and form:

SERLIN, TRIVAX & STEARN, PLC

CITY OF DETROIT LAW DEPARTMENT

/s/ David B. Trivax

David B. Trivax (P38798)
Attorney for Plaintiff

Marion R. Jenkins (P26257)
Attorney for Defendants

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PROOF OF SERVICE

I, Mary Beth Trivax, hereby certify under penalty of perjury that on March 18, 2013, I electronically filed the Plaintiff's Motion to Reinstate the Case and this Proof of Service with the Clerk of the Court using the ECF system with notification of such filing to the following: Marion R. Jenkins at 660 Woodward Avenue, 1650 First National Building, Detroit, MI 48226.

/s/ Mary Beth Trivax
Mary Beth Trivax